

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>ARNO RESOURCES, LLC,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.</b>
	)	<b>1:20-cv-02540-CAP</b>
	)	
<b>EPIC TECH, LLC, et al.,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
<b>Defendants</b>	)	

---

**DEFENDANTS’ MOTION TO DISMISS OR TRANSFER**

---

COME NOW Epic Tech, LLC (“Epic Tech”), Winter Sky, LLC (“Winter Sky”), Red Rock Investments, LLC (“Red Rock), Erik Nordin, and Tim Caldwell (hereinafter collectively referred to as “Defendants”) in the above-styled action, appearing specially and without waiving any defenses, hereby file their Motion to Dismiss or to Transfer to the United States District Court for the Western District of Texas pursuant to the first-filed rule, or in the alternative stay this matter until 21 (twenty-one) days after the District Court for the Western District of Texas rules on Arno’s Motion to Dismiss or Transfer for all reasons set forth in their Brief in Support of the Motion. In support of their Motion, Defendants also rely on the exhibits contained therein as well as record of the first filed-action currently

pending in United States District Court for the Western District of Texas, *Epic Tech, LLC and Winter Sky, LLC v. Arno Resources, LLC*, 20-cv-00577 (W. D. Tex. May 29, 2020).

Respectfully submitted this 8th day of September, 2020.

BAKER, DONELSON, BEARMAN  
CALDWELL & BERKOWITZ, PC

/s/ L. Clint Crosby

L. Clint Crosby  
Georgia Bar No. 197877  
Ciera N. Locklair  
Georgia Bar No. 887772  
Monarch Plaza, Suite 1600  
3414 Peachtree Road NE  
Atlanta, GA 30326

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(D), the undersigned counsel for Defendants certifies that the pleading has been prepared in Times New Roman, 14-point type, which is of the font selections approved by the Court in Local Rule 5.1(B).

**CERTIFICATE OF SERVICE**

This will certify service of a copy of the foregoing **DEFENDANTS MOTION TO DISMISS OR TRANSFER** was filed and served via the CM/ECF online filing system with the U.S. District Court for the Northern District of Georgia, which will automatically send email notification to all counsel of record.

This 8<sup>th</sup> day of September 2020.

BAKER, DONELSON, BEARMAN  
CALDWELL & BERKOWITZ, PC

/s/ L. Clint Crosby

L. Clint Crosby  
Georgia Bar No. 197877  
Ciera N. Locklair  
Georgia Bar No. 887772  
Monarch Plaza, Suite 1600  
3414 Peachtree Road NE  
Atlanta, GA 30326